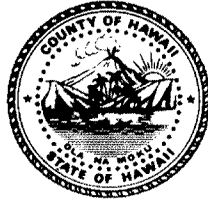


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September 05, 2024

William McCowatt
Hale Hawaii Design
74-5617 Pawai Place #203
Kailua-Kona, HI 96740-3125

Dear Mr. McCowatt:

SUBJECT: Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2024-000243)
Applicant(s): William McCowatt
Landowner(s): Laura Ann McCallum Trust
Project: Renovation and Addition to Existing Single-Family Residence
TMK: (3) 7-5-005:039, North Kona District, Hawai'i

We have reviewed your Special Management Area (SMA) Use Permit Assessment Application (PL-SAA-2024-000243), received by this office on August 1, 2024. The 0.4431-acre parcel is zoned single-family residential 15,000 square feet (sf) (RS-15) by the County and designated Urban by the State Land Use Commission (LUC). The subject parcel is designated as Open (ope) by the Hawai'i County General Plan Land Use Pattern Allocation Guide (LUPAG) map. The subject parcel is in the VE, AE and D flood zones.

The parcel is situated entirely within the Special Management Area (SMA) and is located within the "shoreline area" as defined by §205A-41, Hawai'i Revised Statutes (HRS), however, as the existing shoreline acts as the shoreline and the proposed activities are outside the 40-foot (ft) shoreline setback area, the Director has waived the necessity for a certified shoreline certificate.

Proposed Project:

The applicant is proposing to renovate and add an additional 3,190-sf to an existing, 3,720-sf single-story, single-family residence. The project includes interior renovations, expansion of the first, second, and third floors, and new lanais, garage, and deck. The applicants propose to reconfigure an existing koi pond and ground level concrete walkways as well as remove an existing cesspool. Waste will be connected to the sewer system. The applicant will employ Best Management Practices (BMPs), which includes the placement of silt fencing and sandbags as

needed. The construction area will be cleaned daily to prevent surface runoff impacts to the ground or near-shore resources. Public access will not be altered or affected.

It shall be noted a portion of the existing single-family dwelling extends into the shoreline setback area. Thus, a portion roof structure for the proposed third (3rd) story roof will also extend into the shoreline setback area. Except for the roof, no other work is proposed with in the shoreline setback area.

Special Management Area Determination:

1. Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, and Planning Commission Rule 9-4(e)(2) relating to the Special Management Area, "*Development means any of the [listed] uses, activities, or operations on land or in or under water within the special management area.*" According to the application, the following definitions of "Development" can be applied to the proposed use:

- *Placement or erection of any solid material or any gaseous, liquid, solid or thermal waste.*
- *Grading, removing, dredging, mining, or extraction of any materials; and*
- *Construction, reconstruction, demolition, or alteration of the size of any structure.*

2. Pursuant to Hawai'i Revised Statutes (HRS) §205A-22, as amended, "Development" does not include the following uses, activities, or operations, and therefore is determined to be exempt from the definition of "Development":

- (F) *Repair, maintenance, or interior alterations to existing structures;*
- (O) *Structural and non-structural improvements to existing single-family residences, where otherwise permissible;*

3. Pursuant to Planning Commission Rule 9-4(e)(4), "*whenever the Director finds that any excluded use, activity, or operation may have a cumulative impact, or a significant adverse environmental or ecological effect on the Special Management Area, that use, activity, or operation shall be defined as "Development" for the purposes of this rule.*"

- Based on the information provided, the Director finds that the proposed renovations and additions to an existing single-family residence including the third (3rd) story roof improvements extending into the shoreline setback area will not have a cumulative impact, or significant adverse environmental or ecological effect on the Special Management Area.

Please note that any substantive changes to the proposed improvements, as well as any subsequent phases or activities may require further review by this office and possibly the submittal of another SMA Use Permit Assessment Application.

Future Special Management Area Determinations:

While further review of the proposed activities against the Special Management Area rules and regulations will not be required at this time, all other applicable Zoning and Building Code requirements must be satisfied.

Additionally, pursuant to Planning Commission Rule 9-10(g), *“the Director may impose certain conditions with the exemption determination to assure that the proposed use, activity, or operation does not have a substantial adverse effect on the Special Management Area.”* The Director has added the following conditions for the proposed project:

Director’s Conditions:

1. The applicant(s), its successor(s), or assign(s) (“Applicant”) shall be responsible for complying with all stated conditions of approval.
2. The Applicant shall secure all necessary approvals and permits from other affected federal, state, and county agencies as necessary to comply with all applicable laws and regulations.
3. Other than the proposed project as described in this determination, no further work is permitted under this approval.
4. The Applicant shall secure building permits for the proposed project within two (2) years from the date of the determination. If building permits have not been secured within that two (2) year period, this determination is automatically null and void, and a new Special Management Area Assessment Application must be submitted for review and approval.
5. The proposed work shall comply with the requirements of Hawai‘i County Code (HCC) Chapter 10, Erosion and Sedimentation Control.
6. All construction and maintenance activities on the subject parcel shall comply with Chapter 27, Floodplain Management, of the Hawai‘i County Code.
7. In the event that surface or subsurface historic resources, including human skeletal remains, structural remains (e.g., rock walls, terraces, platforms, etc.), cultural deposits, marine shell concentrations, sand deposits, or sink holes are identified during the

demolition and/or construction work, the Applicant shall cease work in the immediate vicinity of the find, protect the find from additional disturbance and contact the State Historic Preservation Division at (808) 933-7651. Subsequent work shall proceed upon an archaeological clearance from DLNR-SHPD when it finds that sufficient mitigation measures have been taken.

8. Any further development, including but not limited to, the construction of structures or improvements not included in this determination shall require further review and approval as provided under Chapter 205A, HRS, and Rule 9, Planning Commission Rules of Practice and Procedure.
9. That in issuing this determination, the Department has relied on the information and data that the applicant has provided in connection with this determination. If, subsequent to this determination, such information and data prove to be false, incomplete, or inaccurate, this determination may be modified, suspended or revoked, in whole or in part, and/or the Department may, in addition, institute appropriate legal proceedings.
10. Should any of the conditions not be met or substantially complied with in a timely fashion, the Planning Director may initiate procedures to revoke this determination or require additional review against the Special Management Area rules and regulations.

If you have any questions, please contact Derek Harbaugh of this office at (808) 323-4774 or via email at Derek.Harbaugh@hawaiicounty.gov.

Sincerely,


Zendo Kern (Sep 5, 2024 08:27 HST)

ZENDO KERN
Planning Director

DH:rms

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cc via email: GIS Section